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**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, DC 20554**

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In the Matter of )  
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Connecticut Department of Public Utility ) RM No. 9258  
Control Petition for Rulemaking )

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

To: The Commission

**REPLY COMMENTS OF SNET CELLULAR, INC., SNET MOBILITY, INC.  
AND SPRINGWICH CELLULAR LIMITED PARTNERSHIP**

SNET Cellular, Inc. ("SNET Cellular"), SNET Mobility, Inc. ("SNET Mobility") and Springwiche Cellular Limited Partnership ("Springwiche") (collectively the "SNET Wireless Companies") by their attorneys and pursuant to Section 1.405 of the Commission's rules, hereby submit their reply to the comments filed in the captioned proceeding. In its petition, the Connecticut Department of Public Utility Control ("CTDPUC") asks the Commission to amend Section 52.19 of the Commission's rules which governs area code relief. CTDPUC is seeking an amendment that would permit CTDPUC to implement a wireless-only area code overlay in Connecticut.

Of the twenty-three comments filed, fifteen<sup>1</sup> opposed the CTDPUC's petition in its entirety, advancing reasons similar to those discussed by the SNET Wireless Companies in their comments.

Of particular interest, Vanguard Cellular made the following observation:

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<sup>1</sup> AirTouch Communications, Inc.; AT&T Wireless Services, Inc.; BellSouth Corporation; The Cellular Telecommunications Industry Association; GTE Service Corporation; MCI Telecommunications Corporation; Northcoast Communications, LLC; Paging Network, Inc.; SBC Wireless, Inc.; SNET Wireless Companies; Sprint Spectrum L.P. D/B/A Sprint PCS; Teleport Communications Group, Inc.; TSR Wireless LLC; United States Telephone Association; and Vanguard Cellular Systems, Inc.

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A service-specific area code overlay would be difficult to enforce in a number portability environment where customers may choose to use an existing landline telephone number for wireless service or vice versa. Should the Commission permit the DPUC to implement a wireless-only overlay, it should discuss how it intends to enforce service-specific telephone numbers under number portability.<sup>2</sup>

It appears that the implementation of number portability between wireline and wireless carriers would make it impossible to maintain a wireless-only area code overlay. As competition develops between wireline and wireless services and customers switch services but keep their telephone numbers, any service-specific area codes will cease to remain pure.<sup>3</sup> Thus, a wireless-only area code overlay may frustrate the Commission's goal of fostering competition between wireless and wireline services.

On May 14, 1998, the Commission discussed at its open meeting the adoption of its Third Annual Report to Congress on the State of CMRS competition. In his separate statement, Chairman Kennard said:

[T]he report suggests that some wireless providers are gearing up to compete against wireline providers. We should explore every available opportunity to promote that competition. Our exploration should include using the regulatory authority we now have to hasten the day when consumers begin to view wireless as a real substitute for wireline, and not just a complement.<sup>4</sup>

These remarks substantially support the discussion presented by the SNET Wireless Companies in

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<sup>2</sup> Comments of Vanguard Cellular Systems, Inc. at 8 n.21.

<sup>3</sup> Similarly, the CTDPUC's proposal for Calling Party Pays is fatally flawed, in that the implementation of number portability will blur the distinction between wireline-only and wireless-only area codes.

<sup>4</sup> *Separate Statement of Chairman William E. Kennard, Third Annual Commercial Mobile Radio Services Competition Report, Wireless Telecommunications Action, FCC Adopts Third Annual Report to Congress on State of CMRS Competition, News Report No. WT 98-13, May 14, 1998.*

their initial comments concerning the state of wireless competition.<sup>5</sup>

Five commenting parties<sup>6</sup> supported the CTDPUC's petition. For the most part, the issues raised by The Public Utility Commission of Texas as well as the State Consumer Advocates ("State Advocates")<sup>7</sup> are fully addressed in the initial comments filed by the SNET Wireless Companies and others. The Commonwealth of Massachusetts Department of Telecommunications and Energy ("Massachusetts Department") noted the following:

The most important circumstance which has changed since the Commission originally prohibited technology-specific or service-specific overlays to warrant a change in the rule is the *increasing speed in which the supply of exchange codes is being exhausted*.<sup>8</sup>

This increased usage in NXX codes is a direct result of new entrants (wireless and *wireline*) in the marketplace, including competitive local exchange carriers ("CLECs"), broadband personal communications service carriers ("PCS") and enhanced specialized mobile radio carriers ("SMR").

The SNET Wireless Companies share the concern of the Massachusetts Department and the

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<sup>5</sup> The Commission's recent decision regarding *Telephone Number Portability*, Third Report and Order, CC Docket No. 95-116, FCC 98-82, released May 12, 1998, also reaffirms the Commission's policy objective of developing competition between wireless and wireline carriers. In that decision, the Commission applied its competitive neutrality rules to distribute the costs of long term number portability among all telecommunications carriers, including wireless carriers. *Id.* at paras. 9, 18 and 41-60.

<sup>6</sup> The Ad Hoc Telecommunications Users Committee; The Commonwealth of Massachusetts Department of Telecommunications & Energy; Omnipoint Communications, Inc. ("Omnipoint"); The Public Utility Commission of Texas; and the State Consumer Advocates. Although Omnipoint supported the issuance of a notice of proposed rulemaking, its proposal was limited to the Commission permitting wide area multi-MTA wireless-only area codes that wireless companies would have the option, but not the obligation, of using.

<sup>7</sup> Office of Consumer Counsel (Connecticut); Citizens Utility Board of Illinois; Office of the Public Counsel (Missouri); Division of Ratepayer Advocate (New Jersey); and Office of Consumer Advocate (Pennsylvania).

<sup>8</sup> Massachusetts Department Initial Comments at 3 (emphasis added).

State Advocates to conserve and prolong the use of telephone numbers, thereby delaying the need for new area codes. However, the current shortage of numbers is *not* caused solely by the wireless carriers as argued by the Ad Hoc Telecommunications Users Committee ("Ad Hoc"). Nor should wireless carriers bear the entire burden of numbering relief solutions because changing telephone numbers is allegedly less burdensome on wireless subscribers than on wireline subscribers.<sup>9</sup>

Ad Hoc states that the current shortage of NXX codes is the result of inefficient use of NXX codes by wireless companies, claiming that the wireless industry has enough NXX codes for 190 million telephone numbers, yet has only 59 million customers.<sup>10</sup> Ad Hoc's analysis is flawed, because the 59 million customers counted by Ad Hoc does not include all wireless customers; specifically, paging customers were excluded. At the Commission's open meeting on May 14, 1998, the Wireless Telecommunications Bureau reported that as of the end of 1997, there were 105.1 million wireless units in service, not including dispatch units.<sup>11</sup> This is nearly double the number cited by Ad Hoc. Moreover, many of the unfilled NXX codes can be attributed to new market entrants such as PCS carriers, enhanced SMR carriers and CLECs who have recently received their NXX codes but have not yet developed a substantial customer base. Underutilized NXX codes by new entrants is merely a natural result of a competitive environment.

Ad Hoc also argues that wireless carriers are not participating in number conservation efforts,

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<sup>9</sup> The Cellular Telecommunications Industry Association ("CTIA") will provide a detailed response to the issues raised by Ad Hoc, and the SNET Wireless Companies support the reply comments being filed by CTIA.

<sup>10</sup> Ad Hoc Comments at 1.

<sup>11</sup> Wireless Telecommunications Action, *FCC Adopts Third Annual Report to Congress on State of CMRS Competition*, News Report No. WT 98-13, May 14, 1998.

including number pooling, for economic reasons. Ad Hoc completely ignores the fact that number pooling is dependent first on the implementation of local number portability and second on the implementation of national standards for number pooling. Contrary to the unsupported claims of Ad Hoc, the wireless industry must overcome technical problems before it can implement local number portability.<sup>12</sup> Once wireless number portability has been implemented, wireless carriers' participation in number pooling becomes feasible. However, as mentioned earlier and discussed in more detail in the SNET Wireless Companies' initial comments, the Commission does not intend on implementing national standards for wireline number pooling until the end of 1999, and the implementation of wireless number pooling may take longer due to the more difficult technical issues.

Lastly, Ad Hoc proposes that wireless carriers should bear the burden of numbering relief solutions because changing telephone numbers is less burdensome on wireless subscribers than on wireline subscribers. Without any substantiation, Ad Hoc claims that wireless telephones no longer need to be brought in for reprogramming when the telephone numbers are changed. Ad Hoc is mistaken. Although some wireless telephones can be reprogrammed by the customer, most wireless telephones do need to be brought in for reprogramming.

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<sup>12</sup> In particular, the wireless industry must develop a means of allowing subscribers to keep their telephone number yet establish a separate and distinct Mobile Identification Number ("MIN") in the handset. This is critical to meeting the Commission's directive and the industry's support for nationwide roaming. *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95-116, 11 FCC Rcd 8352 at para. 166 (1996). Industry working groups agreed that separation of the MIN from the telephone number could best be accomplished by splitting the MIN and the Mobile Directory Number ("MDN") to create a second ten-digit number, which must be treated separately in all network functions. However, this is a complex task with respect to which the wireless industry is now in the process of developing standards and protocols.

The burdens associated with changing area codes are discussed in the SNET Wireless Companies' initial comments and by other commenting parties. It is important to note that in the *Ameritech Decision*,<sup>13</sup> the Commission stated:

Ameritech's "take-back proposal" would confer a significant competitive advantage on wireline carriers that would be permitted to retain their NPA 708 numbers because customers of those carriers would be able to avoid the inconvenience associated with number changes. On the other hand, paging and cellular companies would be placed at a distinct disadvantage by the "take-back proposal" because their customers would suffer the cost and inconvenience of having to surrender existing numbers and go through the process of reprogramming their equipment, changing over to new numbers, and informing callers of the new number.<sup>14</sup>

The Commission's analysis remains sound today.

Although wireless-only area code overlays potentially can serve the purpose of postponing the day when wireline telephone companies will need to use numbers from a new area code, they do not postpone the addition of an area code because the wireless-only overlay is a new area code.<sup>15</sup> When the original area code reserved for wireline companies eventually runs out of numbers, then a third area code will need to be implemented. The result is that there will then be two new and partially filled area codes within the same geographic area instead of one new area code. This inefficient use of area codes could eventually result in a shortage of area codes themselves. If that happens, instead of ten or eleven-digit dialing, companies will need twelve or thirteen-digit dialing,

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<sup>13</sup> *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech - Illinois*, 10 FCC Rcd 4596 (1995).

<sup>14</sup> *Id.* At 4608.

<sup>15</sup> As the Commission has stated: "What extends the life span of a relief plan, however, is not so much the wireless overlay as the introduction of a new NPA with its 792 additional NXXs." *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 19392, 19528 (1996).

which would necessitate a complete overhaul of the North American Numbering Plan.

The State Advocates propose to the Commission to eliminate any requirement for ten-digit dialing related to a wireless-only area code overlay. Although the CTDPUC did not directly raise this point in its petition, the State Advocates argue that because competition does not exist between the wireline and wireless industries, there is no need for ten-digit dialing in the event of a wireless-only overlay if seven-digit dialing was previously available. However, as the SNET Wireless Companies and others discussed in their previous comments, competition has begun between the wireline and wireless industries, and any numbering proposal that would inhibit the potential for such competition is inherently unfair and contrary to Sections 201(b) and 202(a) of the Communications Act of 1934, as amended (the "Act") and the intent of Congress when it adopted the Telecommunications Act of 1996. For example, a customer might be less inclined to switch from a wireline telephone company to a wireless telephone company for primary service if the customer could call wireline telephones with seven-digit dialing from a wireline telephone but needed ten-digit dialing if placing the call from a wireless device.

In the *Local Competition Order*,<sup>16</sup> the Commission stated:

If most telephone calls would be to customers in the original area code, but only those in the new code must dial ten-digits, there would exist a dialing disparity, which would increase customer confusion. Customers would find it less attractive to switch carriers because competing exchange service providers, most of which will be new entrants to the market, would have to assign their customers numbers in the new overlay area code, which would require those customers to dial 10-digits much more often than the incumbent's customers, and would require people calling the competing exchange service provider's customer to dial 10-digits when they would only have to dial 7-digits for most of their other calls. Requiring

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<sup>16</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1966*, 11 FCC Rcd 19392 (1996).

10-digit dialing for all local calls avoids the potentially anti-competitive effect of all-services area code overlays.<sup>17</sup>

The Commission's analysis is just as sound today as it was less than two years ago. Moreover, if the words "wireless service" are substituted for the words "competing exchange service", the analysis is as applicable to wireless service carriers as it is to competing local exchange carriers. Therefore, the Commission should deny the State Advocates' proposal to permit seven-digit dialing in the event of an area code overlay at the same time as it denies the CTDPU's petition for rulemaking.

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<sup>17</sup> *Id.* at 19519.




In conclusion, as Chairman Kennard said at the Commission's open meeting on May 14, 1998, wireless service is moving closer to the day when it will be a substitute for wireline service, and the Commission should do all it can to hasten that day. To that end, it is imperative that the Commission maintain a technology-neutral numbering policy. Therefore, the SNET Wireless Companies respectfully request that the Commission deny the petition for rulemaking filed by the CTDPU.

Respectfully submitted,

SNET CELLULAR, INC.  
SNET MOBILITY, INC.  
SPRINGWICH CELLULAR LIMITED  
PARTNERSHIP

By:

  
Jean L. Kiddoo  
Eliot J. Greenwald

Their Attorneys

SWIDLER & BERLIN, CHARTERED  
3000 K Street, N.W.  
Suite 300  
Washington, DC 20007-5116

(202) 424-7500

May 18, 1998

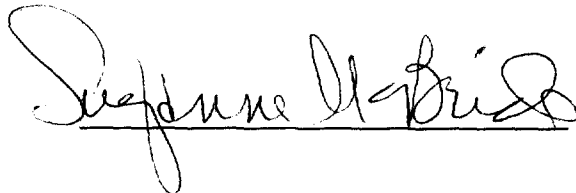
**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of May 1998, copies of Reply Comments of SNET Cellular, Inc., SNET Mobility, Inc. and Springwich Cellular Limited Partnership, will be sent via First-Class Mail, U. S. postage prepaid, to the following:

Robert J. Murphy, Executive Secretary  
State of Connecticut  
Department of Public Utility Control  
10 Franklin Square  
New Britain, Connecticut 06051

Jeannie Grimes  
Common Carrier Bureau  
Federal Communications Commission  
2000 M Street N.W., Suite 235  
Washington, DC 20554

ITS  
1231 20th Street N.W.  
Washington, DC 20036

A handwritten signature in cursive script, appearing to read "Suzanne H. Brisco", is written over a horizontal line.